

The Honorable Tana Lin

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR22-018 TL

Plaintiff,

V.

STUART MACGREGOR HOFFMAN,

GOVERNMENT'S SENTENCING MEMORANDUM

Defendant.

The United States of America, by and through Nicholas W. Brown, United States Attorney for the Western District of Washington, and Laura Harmon, Special Assistant United States Attorney for said District, respectfully submits this Sentencing Memorandum in the above-captioned case.

Defendant, Stuart MacGregor Hoffman, is before the Court for sentencing following his plea of guilty to Count 1, Production of Child Pornography, in violation of 18 U.S.C. § 2251(a) and (e), and Count 2, Possession of Child Pornography, in violation of 18 U.S.C. § 2252(a)(4) and § 2252(b)(2). Sentencing is scheduled for June 15, 2022, at 9:00 a.m.

For the reasons that follow, the Court should follow the agreed recommendation of counsel: 240 months' confinement on Count 1, 180 months' confinement on Count 2,

1 concurrent to one another as well as to King County Superior Court Cause Number 20-1-
 2 04874-3; and lifetime supervised release on both counts.
 3

4 I. FACTUAL BACKGROUND

5 As set forth in the plea agreement, starting March 15, 2020, Mr. Hoffman
 6 corresponded with an individual who lived in the United Kingdom and was arrested for
 7 child sexual abuse imagery. Dkt. 13 at ¶ 9. That arrest led to discovery of such
 8 correspondence and a subsequent search warrant on Mr. Hoffman's home in May 2020.
 9 Law enforcement discovered child sexual abuse imagery on Mr. Hoffman's devices,
 10 including video of Mr. Hoffman anally penetrating MV1, who was 11 at the time of the
 11 warrant. In total, HSI recovered 7 videos, and 1,764 images from his devices, which
 12 were sent to the National Center for Missing and Exploited Children for any victim
 13 identification. A subsequent report revealed that 283 series victims were identified in
 14 Mr. Hoffman's collection. Although some of these victims reside in Russia, Switzerland,
 15 Australia, and other foreign locations, many were able to submit victim impact statements
 16 and restitution requests for the Court's consideration.

17 Mr. Hoffman was arrested and held in King County Jail beginning on May 14,
 18 2020, for charges related to the sexual abuse of MV1 in state court. He was sentenced on
 19 those matters on April 15, 2022, as part of a global resolution with this case. Judge
 20 Michael Scott agreed to follow the joint recommendation at that hearing and imposed 240
 21 months on two counts of Rape of a Child in the First Degree as well as 198 months on
 22 two counts of Child Molestation in the First Degree, all concurrent to each other.
 23

24 II. GUIDELINES CALCULATIONS

25 The government concurs with the U.S. Probation Office calculation of the offense
 26 level (see PSR at ¶¶ 13–25), with the addition of the three-level variance for providing a
 27 psychosexual assessment as noted in the plea agreement. The government's calculations
 28 are as follows for each count:

1	Base Offense Level	32	USSG § 2G2.1(a)
2	Minor under 12	+4	USSG § 2G2.1(b)(1)
3	Commission of Sexual Act	+2	USSG § 2G2.1(b)(2)(A)
4	Knowing Distribution	+2	USSG § 2G2.1(b)(3)
5	Sadistic or Masochistic Conduct	+4	USSG § 2G2.1(b)(4)
6	Parent or Guardian of Minor	+2	USSG § 2G2.1(b)(5)
7	Multiple Count Adjustment:	+2	USSG § 3D1.1; §3D1.4
8	Acceptance of Responsibility	-3	USSG § 3E1.1(a), (b)
9	Psychosexual Assessment	-3	
10	Total	42	

11

12 Although the total offense level would otherwise be 19, the government requests
 13 that the Court impose a 3-level downward variance based on Hoffman's willingness to
 14 undergo a psychosexual assessment and polygraph and to share the results of that
 15 assessment prior to sentencing. This variance is in addition to the 3-level reduction that
 16 Mr. Hoffman should receive for his acceptance of responsibility. *See* PSR ¶ 24. The
 17 government often requests such variances when the defendant undergoes such
 18 assessments, as Mr. Hoffman has, because they provide the Court and government
 19 greater insight into the likelihood of re-offense. Based on that offense level, Mr.
 20 Hoffman's guidelines range is calculated at **360 months to life**.

21

22 **III. SENTENCING RECOMMENDATION**

23 The joint sentencing recommendation is sufficient, but not more than necessary to
 24 comply with the purposes set forth in § 3553(a) for the reasons outlined herein.

25 **A. Term of Imprisonment**

26 **1. The Nature and Circumstances of the Offense**

27 It cannot be disputed that the nature of these offenses was substantial in duration
 28 and severity to the victim. Mr. Hoffman admitted to raping and abusing MV1 while in
 his care and custody from ages 5 to 11. Worse yet, he documented this abuse and shared

1 it with like-minded individuals online. He also amassed a large collection of depictions
 2 of child sexual abuse from victims all over the world. In light of the defendant's conduct,
 3 a twelve-month term as defined above, is appropriate. Child pornography possession and
 4 distribution, even passive distribution, have devastating effects on the victims of those
 5 offenses, who are retraumatized each time a new offender possesses and views the
 6 images of them being abused as a child. Importantly, these are the effects on the victims
 7 that are completely distinct from the effects of the original sexual abuse displayed in the
 8 images; the continued circulation of those images ravages victims' lives long after the
 9 abuse has ended.

10 **2. The History and Characteristics of the Defendant**

11 The government's recommendation of a sentence below the guidelines range is
 12 based on Mr. Hoffman's conduct, early acceptance of responsibility, absence of criminal
 13 history, and age. The government took into consideration Mr. Hoffman's psychosexual
 14 evaluation, in which Mr. Hoffman was cooperative, and which indicated that Mr.
 15 Hoffman is amenable to treatment. All of these considerations, in addition to Mr.
 16 Hoffman's agreement to plead guilty in state court and preventing the need for MV1 to
 17 be further traumatized by one or more trials justify a below range sentence.

18 **3. Promoting Respect for the Law, Providing Just Punishment, and**
 19 **Affording Adequate Deterrence to Criminal Conduct**

20 This recommended sentence is the shortest sentence necessary to impress upon
 21 Mr. Hoffman and others the seriousness of his offense and to deter future similar conduct.
 22 That sentence is not too harsh, as it is far below the low end of the guidelines range—a
 23 range that already incorporates the government's request for an additional 3-point
 24 variance in Mr. Allen's favor due to his participation in the psychosexual evaluation. It
 25 also acknowledges the pain and future trauma felt by MV1 and the victims depicted in
 26 Mr. Hoffman's collection.

1 **4. Avoiding Unwarranted Sentencing Disparity**

2 The parties' joint recommendation is warranted based upon the facts of this case
 3 and with thoughtful consideration given to the defendant's history, personal
 4 characteristics, risk to the community, and repeated involvement in child sexual abuse as
 5 well as collection and distribution of such imagery.

6 The government has taken all of the foregoing into consideration in arriving
 7 at its recommendation.

8 **B. Supervised Release**

9 The parties further recommend a period of supervised release for the remainder of
 10 Mr. Hoffman's life. Given the defendant's conduct, it is important that the U.S.
 11 Probation Office maintain supervision over the defendant—and have the authority to
 12 search his electronic devices, as necessary—following his release to ensure that he is not
 13 accessing this type of material. The government agrees with the special conditions
 14 recommended by the Probation Office.

15 **C. Fines and Assessments**

16 The Court must order the \$100 special assessment required. If the Court makes a
 17 finding that Mr. Hoffman is indigent, the Court need not order the \$5,000 penalty
 18 assessment under the Justice for Victims of Trafficking Act of 2015. *See* 18 U.S.C. §
 19 3014(a)(3) (imposing such an assessment for all non-indigent persons convicted under
 20 Chapter 110 of Title 18, which Chapter includes Section 2252).

21 **D. Restitution**

22 MV1 does not have any restitution requests currently. However, many of the
 23 victims depicted in Mr. Hoffman's collection have made restitution requests. Pursuant to
 24 Amy, Vicki, and Andy Child Pornography Victim Assistance Act of 2018 (AVAA),
 25 Public Law 115-299, any defendant convicted of "trafficking in child pornography" must
 26 pay a minimum of \$3,000 in restitution per victim for each count of conviction. The
 27
 28

1 following series victims whose files were possessed by Mr. Hoffman have filed
 2 restitution requests in the following amounts:

Sweet Pink Sugar	\$5,000
Sweet White Sugar	\$5,000
BluePillow1	\$5,000
Lighthouse1	\$10,000
Rap72	\$5,000
RapJerseys	\$5,000
Marineland1	\$10,000
Jan_Socks1	\$10,000
Motorcouch1	\$5,000
Vicky	\$10,000
At School	\$10,000
Best Necklace	\$5,000
Misty	\$3,000
Jenny	\$3,000
CinderblockBlue	\$3,000
BluesPink1	\$3,000
PinkHeartSisters2	\$3,000
Cindy	\$8,000
Total	\$108,000.00

22 The government respectfully requests the Court order restitution to the victims of
 23 Hoffman's crimes.

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1 IV. CONCLUSION

2 The government therefore respectfully recommends the Court impose a sentence
3 of 240 months imprisonment on Count 1, 180 months on Count 2, concurrent to each
4 other and the King County matter, followed by lifetime supervised release. This sentence
5 takes into consideration the defendant's misconduct, his acceptance of responsibility, and
6 the need for the sentence to provide just punishment and promote respect for the law.

7 DATED this 8th day of June, 2022.

8 Respectfully submitted,

9 NICHOLAS W. BROWN
10 United States Attorney

11 _____
12 *s/Laura Harmon*
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